### **AGENDA**

(Zoning) Board of Adjustment Regular Meeting\*
Monday, October 17, 2016 at 3:30 P.M.
City Hall Council Chambers
201 E. Walnut

### Call to Order

**ITEM 1:** Approval of August 15, 2016, Minutes.

ITEM 2: ZBA2016-07—The Board to hear public input and consider taking action on Gary

Cocanougher's request for a variance from the City of Decatur's Zoning Ordinance regarding parking in a Light Industrial (LI) Zoning District. Specifically, applicant is requesting a variance to the City of Decatur Code of Ordinances, Appendix B, "Zoning," Article 7, "Development Standards," Section 7.3, "Off-Street Parking and Loading Regulations," Subsection 7.3.3 "Parking Requirements Based upon Use," Item B(23) "Storage or Warehousing" requirement of one (1) space for each two employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater" to a requirement of no parking spaces required for the storage units. The subject property is legally described as Lot 1, Block 1, Decatur Self Storage LTD Addition and is more commonly referred to as 1200 E. US Hwy

380 Business, Decatur, Texas.

**ITEM 3:** New and/or future business items.

### Adjournment

Prepared and posted this 14<sup>th</sup> day of October 2016, in accordance with Chapter 551, Texas Government Code.

Dedra D. Ragland, AICP
Director of Planning and Development

# MINUTES (ZONING) BOARD OF ADJUSTMENT MEETING Monday, August 15, 2016 at 3:30 P.M. City Hall Meeting / Council Chambers 201 E. Walnut

A meeting of the City of Decatur (Zoning) Board of Adjustment was held at 3:30 p.m. on August 15, 2016, at City Hall with the following in attendance:

### **MEMBERS PRESENT:**

Chairman Mark Duncum Vice Chairman William Klose Wayne Stone (Alternate) Dennis McCreary (Alternate)

### **MEMBERS ABSENT:**

Lisa Caraway Don Ogle Murvelle Chandler (Alternate)

Others present were: Planning Director Dedra Ragland, Attorney Patricia Adams and Development Review Coordinator Codi Delcambre representing the staff; and Thom Lambert, Craig Bull and Mark Richardson representing the applicants.

Call to Order: Chairman Duncum called the meeting to order at 3:47 p.m.

ITEM 1: Administer Statement of Appointed Official and Oath of Office to Alternate Member Dennis McCreary.

Codi Delcambre administered the Statement of Appointed Official and Oath of Office to Alternate Member Dennis McCreary.

ITEM 2: Approval of June 1, 2016, Minutes.

Vice-Chairman Klose made a motion to approve the June 1, 2016, minutes. Board Member McCreary seconded the motion. The motion passed 4-0.

**ITEM 3:** ZBA2016-06—The Board to hear public input and consider taking action Thom Lambert's request, on behalf of Decatur Economic Development Corporation, for a variance from the City of Decatur's **Zoning Ordinance regarding the Floor to Area ratio in a Thoroughfare** Business (C-2) Zoning District. Specifically, applicant is requesting a variance to the City of Decatur Code of Ordinances, Appendix B, "Zoning," Article 5, "Zoning Districts," Section 5.1, "Zoning Districts Established," Subsection 5.1.11 "C-2, Thoroughfare Business District," Item D(3)(b) "Area Regulations for Nonresidential Uses Maximum Floor Area Ratio (FAR)" requirement of a 2:1 FAR to a 3:1 FAR. The subject property is legally described as a 0.515-acre tract of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Warranty

# Deed, filed with the Wise County Clerk's Office, Document WD201600001.

Planning Director Ragland presented the staff report. Applicant is requesting a variance from the City of Decatur's Zoning Ordinance regarding the Floor to Area ratio in a Thoroughfare Business (C-2) Zoning District. Specifically, applicant is requesting a variance to the City of Decatur Code of Ordinances, Appendix B, "Zoning," Article 5, "Zoning Districts," Section 5.1, "Zoning Districts Established," Subsection 5.1.11 "C-2, Thoroughfare Business District," Item D(3)(b) "Area Regulations for Nonresidential Uses Maximum Floor Area Ratio (FAR)" requirement of a 2:1 FAR to a 3:1 FAR.

Board Member Stone made a motion to approve ZBA2016-06, a variance to allow a 3:0 FAR for the hotel being constructed on 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Warranty Deed, filed with the Wise County Clerk's Office, Document WD201600001 with the following conditions. Board Member McCreary seconded the motion. The motion passed 4-0.

	Mark Duncum, Vice-Chairman
ATTEST:	
Dedra Denée Ragland, Planning Director	

The meeting was adjourned at 4:00 p.m.

### STAFF REPORT

October 17, 2016 - Board of Adjustment Meeting

TO: (Zoning) Board of Adjustment CASE: ZBA2016-07

FROM: Dedra D. Ragland, AICP, Planning Director APPLICANT: Gary Cocanougher

DATE: October 14, 2016 REQUEST: Parking Variance

### Subject:

Board to hear public input and consider taking action on a request from Gary Cocanougher's request for a variance from the City of Decatur's Zoning Ordinance regarding parking in a Light Industrial (LI) Zoning District. Specifically, applicant is requesting a variance to the City of Decatur Code of Ordinances, Appendix B, "Zoning," Article 7, "Development Standards," Section 7.3, "Off-Street Parking and Loading Regulations," Subsection 7.3.3 "Parking Requirements Based upon Use," Item B(23) "Storage or Warehousing" requirement of one (1) space for each two employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater" to a requirement of no parking spaces required for the storage units. The subject property is legally described as Lot 1, Block 1, Decatur Self Storage LTD Addition and is more commonly referred to as 1200 E. US Hwy 380 Business, Decatur, Texas.

### Case Notes:

On Tuesday, August 16, 2016, staff met with Mr. Gary Cocanougher to discuss his proposed storage facility units off E. US Hwy 380 Business. Mr. Cocanougner platted the property on July 13, 2015, with the intention of constructing storage units that would support his existing storage unit business that is located at 1100 E. US Hwy 380 Business. During the pre-application meeting, it was explained to Mr. Cocanougher that per the City's Zoning Regulations and Design Standards, parking and landscaping were required. Mr. Cocanougher indicated that the storage units would be located behind a retail business (to be developed as a future phase at a later date), so the landscaping requirements are not triggered with the construction of the storage units. Mr. Cocanougher and his contractor further indicated that because it is a storage unit, and people are likely to be loading/unloading in front of their respective units, parking in a designated location would not be utilized. The RV storage area also doesn't require designated parking spaces as the users will likely be hitching/unhitching their vehicles to the RVs in front of the RV stalls. In addition, the parking is often support for an office/administrative building. The office for the units is located at 1100 E. US Hwy 380 Business.

### Legality:

According to the Texas Local Government Code, the Board of Adjustment can legally authorize variations to the Zoning Ordinance subject to the conditions listed below (§211.008 010). Each case before the board must be heard by 75 percent of its members (§211.008.d), and the board can only authorize a variation from the terms of the Zoning Ordinance with a concurring vote of 75 percent (§211.009.c).

### **Conditions for Approval:**

The applicant must meet all of the following four conditions to be legally granted a variance.

### Financial or self-induced hardship cannot be considered:

- 1. The requested variance does not violate the intent and spirit of the ordinance. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel and are not applicable to other parcels of land in the same zoning district.
- 2. The hardship is not the result of the applicant's actions, and

3. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

### **Deciding Factors:**

The Board of Adjustment reviews the application and the response to the four conditions, and then hears the case to determine if the applicant qualifies. If the Board feels the applicant has met the stated conditions, then the Board may approve the variation as long as it meets these criteria (§211.009.a.3):

- 1) The variation is not contrary to the public interest.
- 2) The variation is due to special conditions.
- 3) A literal enforcement of the ordinance would result in unnecessary hardship.
- 4) The spirit of the ordinance is observed and substantial justice is done.

### Recommendation:

### Staff has the following findings:

- 1. The requested variance <u>does not</u> violate the intent and spirit of the ordinance. Self-service storage facilities do have characteristics in common with both commercial uses and industrial uses. However, self-service storage facilities generate low levels of vehicular and pedestrian activity, and the traditional or standard parking requirements don't necessarily fit.
- 2. There <u>are</u> special considerations of physical features that are peculiar to the subject parcel that are not applicable to other parcels of land in the same zoning district. Self-service storage facilities generate low levels of vehicular and pedestrian activity, and the traditional or standard parking requirements don't necessarily fit. The units are an expansion to an existing storage facility business. The business office is located at the existing business.
- 3. The hardship <u>is</u> a result of the applicant's action. There are six units. Each unit is 4,000 sq.ft. A total of 29 parking spaces are required per the City's Zoning Regulations. The property owner is seeking a variance to allow no parking for the self-storage buildings. The contractor and applicant could have contacted the City regarding the regulations prior to the design of the storage buildings to obtain the requirements. Other cities' self-storage parking regulations require parking based on one space per number of storage units with an aisle width of 20' or greater.
- 4. The interpretation of the provisions in this ordinance <u>does</u> deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. Off-street parking and off-street loading requirements are necessary in order; to relieve congestion so that the street can be utilized more fully for the movement of vehicular traffic; and to promote the safety and convenience of pedestrians. Other cities' regulations require parking based on one space per number of storage units with an aisle width of 20' or greater. However, since the self-storage facilities typically generate low levels of vehicular and pedestrian activity, and so the requirement for 29 parking spaces does appear to be excessive.

Five (5) property owners were notified. To date, staff has received no notices in favor of, neutral to or opposed to the request.

### Options:

### Recommend approval:

From the evidence, testimony and plans presented, I move that the Board grant the variance request ZBA2016-07 to allow the requirement of no parking spaces required for the storage units. The subject property is legally described as Lot 1, Block 1, Decatur Self Storage LTD Addition and is more

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commonly referred to as 1200 E. US Hwy 380 Business, Decatur, Texas.

### Recommend approval with conditions:

From the evidence, testimony and plans presented, I move that the Board grant the variance request ZBA2016-07 to allow the requirement of no parking spaces required for the storage units with conditions. The subject property is legally described as Lot 1, Block 1, Decatur Self Storage LTD Addition and is more commonly referred to as 1200 E. US Hwy 380 Business, Decatur, Texas. The conditions being as follows:...

### Recommend denial:

From the evidence, testimony, and plans presented, I move that the Board deny the variance request ZBA2016-07 to allow the requirement of no parking spaces required for the storage units. The subject property is legally described as Lot 1, Block 1, Decatur Self Storage LTD Addition and is more commonly referred to as 1200 E. US Hwy 380 Business, Decatur, Texas. Denial is based on the following findings:...

### Recommend postponing consideration:

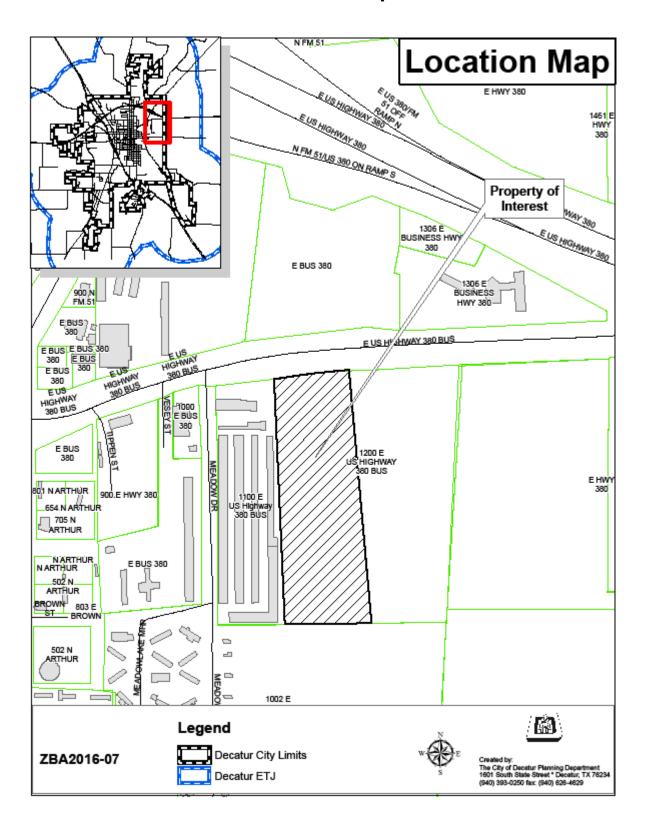
From the evidence, testimony, and plans presented, I move that the Board postpone consideration of variance to a date certain, and requesting additional information for the variance request ZBA2016-07 to allow to approve the requirement of no parking spaces required for the storage units. The subject property is legally described as Lot 1, Block 1, Decatur Self Storage LTD Addition and is more commonly referred to as 1200 E. US Hwy 380 Business, Decatur, Texas. Additional data being as follows:...

### **Attachments**

- 1. Location Map
- 2. Application and Checklist/Letter of Intent
- 3. 200' Notification Map and Property Owner Responses
- 4. Proposed Site Plan

### Attachment 1

# **Location Map**



### Attachment 2

# **Application and Checklist**

☐ Annexation Petition	Freq.		incomprete di	pplications will be rejected
		as Well Development Plat	la company of the com	☐ Special Use Permit
Amending Plat	man.	lat Extension-Final or Prelin	ninary	☐ Subdivision Variance
Comprehensive Plan Amendment	-	reliminary Plat	1194	☐ Zoning Change
Gonveyance Instrument		eplat		☐ Zoning Variance (ZBA)
J Design Standards Variance	Section 4	OW Use Agreement		☐ Vacation Plat
Final Plat	□ R	OW Abandonment/ Closing		Other
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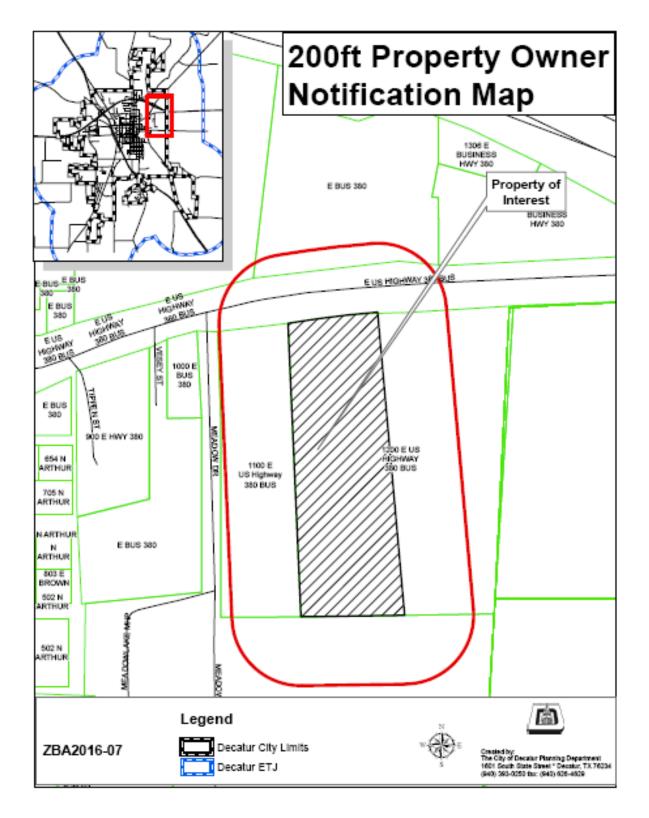
### CITY OF DECATUR, TEXAS

Development Services \* 1601 S. State St \* P.O. Box 1299 \* Decatur, TX 76234 \* www.decaturtx.org

# Board of Adjustment Application Checklist

General Requirements:	
A universal application form and the appropriate fees.	
☐ A letter of explanation/justification.	
Submit a total of five (5) copies of site plan (if applicable) individually folded with drawing side out.	for the property. These copies should be
<ul> <li>A location map clearly indicating the site in relation to adjace and other landmarks.</li> </ul>	nt streets, distance to nearest intersection
<ul> <li>Submit one (1) copy of proof of ownership (recorded property</li> </ul>	y deed or current year tax statements).
Submit documentation on any and all liens and lien holders of	f property.
One (1) CD-ROM containing the general required documents in	n Adobe PDF format.
I have reviewed the checklist and all submittals for consulmittal/is determined to be incomplete, additional fees may signature  Content of the Letter of explanation/justification for a Zoning Var	be assessed. $8/17/16$ Date
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# Attachment 3 200' Notification Map and Property Owner Responses



# No responses received

